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August 12, 2016

VIA ECF

Honorable Debra Freeman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Rosario v. Mis Hijos Deli Corp, et. al.,
15 CV 6049 (LTS)(DF)

Dear Magistrate Judge Freeman:

This firm represents the Plaintiff in the above-referenced action brought against Defendants for wage violations under the FLSA and NYLL. Pursuant to the Court's Amended Pre-Trial Scheduling Order, entered August 3, 2016, all discovery in this matter is to be completed by August 31, 2016. I write this letter to request a short extension of that date for the reasons set forth herein.

Plaintiffs still need to take the depositions of Defendant Jose Palma and the deposition of Defendant 251 E. 123rd St. Realty LLC, a New York entity. I am advised that Jose Palma will be testifying at a deposition on his own behalf as well as on behalf of Defendant 251 E. 123rd St. Realty LLC.

Counsel advises that Mr. Palma resides in the Dominican Republic. Counsel for Mr. Palma has advised that Mr. Palma will be available to travel to New York to testify after September 5, 2016. We request permission to extend the discovery date to any date shortly after September 5 at which time Mr. Palma is available. My office will be available to depose Mr. Palma on most days in September. I am on trial in Queens Supreme Court on September 26 and September 27. Most other days in September are available.

It is respectfully suggested that this short extension of the discovery deadline which would permit Plaintiff to take the deposition of Defendant Jose Palma, individually and as the

corporate officer, in person is appropriate as Plaintiff would not be forced to incur the expense of travel to the Dominican Republic for the deposition of a New York entity. In addition, Plaintiff could avoid the unreliable and difficult video/teleconference deposition. The short extension of the discovery deadline would resolve the issue as to whether the deposition of the New York LLC (by its representative Mr. Palma) would be required to take place in New York pursuant to the prior direction of the Court.

In addition to the deposition of Defendant Palma and Defendant 251 E. 123rd St. Realty LLC, Plaintiff has subpoenaed a third-party deposition of Mund Business Services by Mitchell Mund, the accountant for all or some of the Defendants. That deposition was scheduled for August 11, 2016. In advance of the deposition date, I telephoned Mr. Mund to confirm that he would be appearing to be deposed pursuant to the subpoena and deposition notice. Mr. Mund advised that he was not available on August 11, 2016 and asked if he could testify on another date. As a courtesy to this third-party witness, I agreed to adjourn the notice to date of the deposition and provided Mr. Mund with 8 dates before the August 31, 2016 discovery cut off. I will follow up with Mr. Mund regarding the date of the deposition. In addition, I advised Mr. Mund that if he had any questions or objections to the demand for documents which accompanied the subpoena and notice of deposition that he or his counsel could call my office so that we could discuss any concerns or problems and tailor any demands, if necessary.

In addition to the completion of the depositions referenced above, there remain a number of documents which counsel for the Defendants have advised are in existence and will be produced. These documents include corporate documents (including the corporate "book") for Defendant Palma Grocery and tax documents for Defendant Palma Grocery.

Finally, counsel for the Plaintiff has served a second demand for documents upon all Defendants. This August 5 second demand for documents was served after counsel for the Plaintiff completed the depositions of Defendant Collado and Defendant Junior Palma. The documents requested relate to testimony given by each of these Defendants. Responses to this demand remain outstanding.

Counsel does not anticipate that an extension of this deadline will require a change to any other deadline from the scheduling order.

For the reasons above, I respectfully request a short extension of the discovery deadline in this matter so that the Defendants can respond to any outstanding demands and produce outstanding documents, and to permit Jose Palma's deposition in New York on the first available date for all counsel and the witness after September 5, 2016.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven B. Ross". The signature is fluid and cursive, with the first name "Steven" and last name "Ross" clearly distinguishable.

STEVEN B. ROSS